

Docket No.: T09-0049
Supp.
Bench Date: 07/09/2014
Deadline: N/A

MEMORANDUM

TO: The Commission

FROM: Timothy E. Duggan, Administrative Law Judge

DATE: June 19, 2014

SUBJECT: Illinois Central Railroad Company, the Village of Buckner, and the State of Illinois, Department of Transportation.

Stipulated Agreement regarding improving public safety at the Mine Road highway-rail grade crossing of the Illinois Central Railroad Company's track in Buckner, Franklin County, Illinois, designated as crossing AAR/DOT 293 706F, milepost 84.85-GE.

RECOMMENDATION: Enter Supplemental Order authorizing re-obligating GCPF assistance of \$2,840.02.

On August 5, 2013, Illinois Central filed a Petition for a Supplemental Order authorizing GCPF contribution to be re-obligated to cover reimbursements amounts authorized after the originally authorized reimbursements were paid. The request is for a re-obligation of \$7,922.48 GCPF assistance. Hearing was held on January 15, 2014.

The original Order was entered on May 20, 2009. The Order required IC to install new automatic flashing light signals and gates controlled by constant warning time circuitry at a crossing in Buckner, Franklin County, Illinois. The Order allocated cost percentages among the parties, including GCPF assistance, which was capped at \$141,892.00. Any installation costs above the total estimated cost of \$149,360.00, would be eligible for GCPF assistance in the same percentages subject to approval by the Commission.

IC previously was reimbursed for costs totaling \$127,660.70. The balance of \$14,231.30 in GCPF assistance was de-obligated. Subsequently, IC received notification from the FHWA and IDOT that IC would be allowed to increase their additive rates for work performed on or after January 1, 2010. On April 10, 2012, the Company submitted an updated final bill to collect money authorized under the new additive rates.

The money the Company seeks in this matter is \$7,922.48 above that previously reimbursed. The total of the prior amount reimbursed and the additional amount requested is less than the original obligated GCPF amount. However, since the balance of the original amount has been de-obligated, a re-obligation of \$2,840.02 of GCPF assistance would be required.

Staff and IDOT each have no objection. The Village of Buckner did not participate. A Proposed Order was issued to all Parties and Staff. No exceptions were filed.

I recommend entry of the attached Order approving re-obligated GCPF assistance.